

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7313

BILL NUMBER: SB 547

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Water management authority.

FIRST AUTHOR: Sen. Young R

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Pending

Summary of Legislation: Eliminates an advisory council to the natural resources commission. Establishes: (1) legislative policy for the management of Indiana's water supply; (2) the water management authority (authority); and (3) the authority as an agency for purposes of judicial review. Grants certain enforcement powers to the authority. Provides for the appointment of an administrator (administrator) of the authority by the governor. Grants the administrator certain rulemaking authority to implement certain provisions concerning the authority and the drainage and flood control law. Provides that the administrator appoints other employees of the authority. Provides, upon adoption of a statewide water management plan, for the administrator to assume powers and duties related to: (1) water rights and emergency regulation of surface and ground water; (2) potable water rights; (3) water resources management; (4) the Great Lakes compact; (5) reservoirs; (6) preservation and legal action concerning lakes; (7) flood control; (8) construction of channels; and (9) conservancy districts. Allows the administrator to conduct investigations, require the production of documents, and take sworn testimony. Requires certain governmental entities to provide legal services and information as requested by the administrator. Establishes regional water management councils (council). Provides an appeal process for contesting decisions of a council. Provides for the development, adoption, and implementation of a statewide water management plan. Provides for the review of the plan at least every five years. Establishes a process allowing the administrator to issue a water management permit. Requires a governing body or agency of the state to consult with the administrator to ensure that an action related to the construction or modification of a ditch does not have certain negative effects. Defines "wetlands" as an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions. Provides that the administrator must approve a classification of a project as a drainage project of water management importance. Provides that a landowner may petition the administrator to review a project's classification as a drainage project of water management importance that affects the

landowner's land. Establishes a process allowing a person to file a petition to prevent the drainage of wetlands on land owned by the person. Provides that a drainage board, in determining certain benefits or damages to land: (1) shall take into account the presence of wetlands on the affected land; (2) shall reduce the benefit percentage assigned to the parcel containing an existing wetland that provides natural drainage or retention services to other benefited land to reflect the existing natural benefit; and (3) may revise a determination to reflect changes if a wetland is removed or modified after the board has determined benefits or damages to the land.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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